IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 13456 of 2005

Between:

Mohammed Ghouse, S/o. Mohammed Sultan,
R/o. 20-7-509, Hussainialm, Hyderabad.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Rep. by its Principal Secretary,
Home Department, Secretariat Buildings, Hyderabad.
2 The Commissioner of Police, Hyderabad.

.....RESPONDENS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Mandamus or any other appropriate Writ or Order or direction declaring the inaction of the first respondent in not disposing of the Appeal dated 20-4-2005 filed by the petitioner against the orders of the second respondent dated 4-4-2005 in Proceedings No. SB (1) No.1/Ext/S-1/2005 as illegal, arbitrary and unconstitutional and pass such other order or orders

Counsel for the Petitioner: MR.K.SURESHREDDY

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

ORAL ORDER:

Heard the learned counsel for the petitioner and the learned G.P. for Home.

The case of the petitioner is that in exercise of powers conferred under Section 26(1) of the Hyderabad City Police Act, the 2nd respondent passed an order of externment directing that the petitioner shall remove himself from the limits of Hyderabad city for a period of six months from the date of receipt of the order. In the said order dated 4-4-2005 the petitioner was also informed that if he was aggrieved by the order, he may prefer an appeal to the 1st respondent within 30 days from the date of receipt of the order. Accordingly, the petitioner submitted his appeal to the 1st respondent on 20-4-2005.

It is the grievance of the petitioner before this court that despite his having preferred an appeal to the 1st respondent on 20-4-2005 and though more than two months had elapsed since then, the 1st respondent has neither considered his appeal nor has any orders been passed thereon. It is his case that since the order of externment itself is for a period of six months, any delay in disposal of the appeal would render the appeal itself infructuous and the remedy meaningless.

Since the order of externment was passed nearly three months ago and as the said order itself would cease to be in force three months hence, the appeal preferred by the petitioner against the externment order is required to be considered expeditiously. There shall therefore be a direction to the 1st respondent to consider and dispose of the appeal filed by the petitioner on 20-4-2005, as expeditiously as possible, not later than three weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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24-6-2005

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Note:

C.C. in two days

B/o

To :

1 Government of Andhra Pradesh, Rep. by its Principal Secretary,
Home Department, Secretariat Buildings, Hyderabad.
2 The Commissioner of Police, Hyderabad.

3. Two C.Cs. to the G.P. for Home, High Court Buildings, Hyderabad (OUT)

4. Two C.D. copies